



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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March 11, 2013

To: Supervisor Mark Ridley-Thomas, Chairman  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

**MOTION TO SUPPORT SB 585, SB 755, AB 1367, SB 664, AND AB 1265, AND DIRECT THE CHIEF EXECUTIVE OFFICER TO DRAFT A LETTER OF SUPPORT FOR THESE MEASURES TO BE SENT TO THE MEMBERS OF THE CALIFORNIA LEGISLATURE AND DIRECT THE LOS ANGELES COUNTY'S LEGISLATIVE ADVOCATES TO SUPPORT THESE MEASURES AT THE APPROPRIATE HEARING (ITEM NO. 46-C, SUPPLEMENTAL AGENDA OF MARCH 12, 2013)**

Item No. 46-C on the March 12, 2013 Supplemental Agenda is a motion by Supervisor Antonovich requesting that the Board of Supervisors support SB 585 (Steinberg and Correa), SB 755 (Wolk), AB 1367 (Monsoor), SB 664 (Yee) and AB 1265 (Conway) and direct the Chief Executive Officer to draft a letter of support for these measures to be sent to the members of the California Legislature; and direct the Los Angeles County's legislative advocates to support these measures at the appropriate hearing.

These measures would enact various changes to Laura's Law (Chapter 1017, Statutes of 2002), the Mental Health Services Act of 2004 (Proposition 63), and to the California Penal Code with regard to the possession of firearms. As described below, **there is no existing Board policy to support these measures; therefore, support for SB 585, SB 755, AB 1367, SB 664, and AB 1265, is a matter for Board policy determination.**

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## **Background**

**Laura's Law** - As enacted under AB 1421 of 2002, permits counties to establish involuntary assisted outpatient mental health treatment programs to provide intensive mental health services for adults who, as a result of their inability to maintain their own treatment regimen, are a danger to themselves and/or others. The law allows counties to establish pilot projects to legally authorize involuntary outpatient treatment for clients who did not voluntarily accept treatment, but whose condition was not severe enough to require hospitalization. However, since the State has not appropriated funding for this program, only Nevada County has implemented a pilot project.

As authorized by the Board, the Department of Mental Health (DMH) implemented a voluntary Assisted Outpatient Treatment (AOT) Program which is funded with Proposition 63 funds. Participation in the program is voluntary and services are currently provided through a contract with Gateways Hospital and Mental Health Center. The program has the capacity to serve ten clients at any given time with the average length of stay of six months. Clients receive intensive supportive services in a residential setting.

**Proposition 63** - The Mental Health Services Act of 2004 imposes a one percent income tax on personal income in excess of \$1.0 million. Revenue from Proposition 63 supports county mental health programs, including prevention, and early intervention services for transition age youth, adults, older adults and families, consistent with locally developed and approved plans. Currently, Proposition 63 funds are not available for use in the assisted involuntary outpatient mental health treatment program as authorized under Laura's Law.

**Gun Control Legislation** - As reported in the March 6, 2013 Sacramento Update, Senate Democrats, led by Senate President Pro-Tempore Darrell Steinberg, announced plans to consider a package of 10 bills to reduce gun violence by placing additional restrictions and prohibitions on certain firearms and further clarifying California's gun laws. SB 755 (Wolk), which would add additional offenses to those misdemeanors that bar any person who has been convicted, within 10 years of the conviction, of owning or possessing any firearm, is one of the measures included in the aforementioned motion to be considered by the Board.

## **Overview of Legislation**

The following is an overview of SB 585, SB 755, AB 1367, SB 664, and AB 1265. This office is working with the Department of Mental Health and County Counsel on a complete analyses of these measures. It should be noted that all of the bills were introduced on February 22, 2013 and none have been scheduled for a committee

hearing. The Department of Mental Health has provided comments based on an initial review of the bills. Comments from County Counsel are pending.

- **SB 585 (Steinberg and Correa)**, which as introduced on February 22, 2013, states that Proposition 63 funds may be used for the involuntary Assisted Outpatient Treatment Demonstration Fund, as provided under Laura's Law.

The Department of Mental Health indicates that SB 585 would be valuable because it would permit the use of MHSA funds for involuntary assisted outpatient treatment services consistent with current County practice. However, as introduced, the bill provides no new allocation of MHSA funds for this purpose.

There is no registered support or opposition on file for SB 585. This measure is pending referral to a policy committee.

- **SB 755 (Wolk)**, which as introduced on February 22, 2013, would add misdemeanor offenses to those misdemeanors that bar any person who has been convicted, within 10 years of the conviction, of owning or possessing any firearm. The bill would also make it a felony for any person to own or possess a firearm if the person has been convicted of 2 or more crimes within a 3-year period and was found to have been under the influence of drugs or alcohol during the commission of the crimes, if the person has been convicted of possessing any controlled substance for sale, or if the person has violated any protective order that was issued due to a threat of violence. The bill would prohibit a person who has been ordered by a court to obtain Assisted Outpatient Treatment from purchasing or possessing any firearm or other deadly weapon while subject to assisted outpatient treatment.

The Department of Mental Health indicates that provisions of SB 755 relate primarily to gun control and would have minimal impact to mental health. However, DMH notes that the provisions in the bill regarding persons who have been ordered to obtain Assisted Outpatient Treatment may make it challenging for mental health advocates to support. This office is working with affected departments to analyze the gun control provisions of this measure.

There is no registered support or opposition on file for SB 755. This measure is awaiting a hearing in the Senate Public Safety Committee.

- **AB 1367 (Mansoor)**, which as introduced on February 22, 2013, would amend Proposition 63 to clarify that MHSA funds may be used by counties to provide Assisted Outpatient Treatment services under Laura's Law. The bill also would

expand MHSA outreach prevention and early intervention to school districts, county offices of education, and charter schools, and to specify that this outreach may include the allocation of funding for the purpose of providing training to identify students with mental health issues who may be a danger to themselves or others. AB 1367 would require a two-thirds vote of the Legislature because it would amend Proposition 63.

The Department of Mental Health notes that the provisions of AB 1367 which would provide an allocation of funding for expanded MHSA outreach and prevention services would be valuable but is unlikely to be enacted in the current fiscal environment.

There is no registered support or opposition on file for AB 1367. This measure is pending referral to a policy committee.

- **SB 664 (Yee)**, which as introduced on February 22, 2013, would eliminate the requirement that a county board of supervisors enact a resolution to authorize Laura's Law and would clarify that Proposition 63 funds may be used to provide these services.

The Department of Mental Health notes that the provisions of SB 664 would be moot for Los Angeles County since the Board, by resolution, has already implemented an involuntary Assisted Outpatient Treatment Program which is funded with MHSA funds.

There is no registered support or opposition on file for SB 664. This measure is pending referral to a policy committee.

- **AB 1265 (Conway)**, which as introduced on February 22, 2013, would authorize a court to order a person to obtain Assisted Outpatient Treatment, as provided under Laura's Law, for up to 12 months. The bill would also require, upon release of a person from treatment, professional staff of the agency or facility that provided the treatment to evaluate whether the person meets the requirements of Laura's Law (persons with serious mental disease who are unable to maintain treatment and are a danger to themselves or others). If the person meets the criteria, the staff may request the county mental health director or their designee to file a petition in court for assisted outpatient treatment.

According to the Department of Mental Health, the provisions of AB 1265 which would extend the period for court ordered Assisted Outpatient Treatment would

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be helpful; however, the department notes that as introduced this language is permissive and would not impose a 12-month treatment requirement.

There is no registered support or opposition on file for AB 1265. This measure is pending referral to a policy committee.

This office will continue to work with DMH and County Counsel on a full analysis with detailed County impact on these measures.

### **Existing Board Policy**

On December 20, 2011, the Board adopted a motion to support an extension of Laura's Law, then scheduled to sunset on January 1, 2013, with amendments to: 1) include State implementation funds; 2) allow more flexibility by county mental health departments in the provision of AOT services by changing the requirement to provide the same services for individuals not in AOT; and 3) streamline and facilitate the administrative and legal processes for admission, readmission, and ongoing treatment including the administration of medication. **County-supported AB 1569** (Chapter 441, Statutes of 2012) was enacted by the Legislature and signed by the Governor to extend the sunset date of Laura's Law to January 1, 2017; however, the measure did not include funding or provisions regarding county flexibility or streamlining administrative processes.

**Since there is no existing Board policy to support legislation to: 1) allow counties to use Mental Health Services Act funds for Laura's Law (SB 585, AB 1376 and SB 664); 2) prohibit a person who has been ordered by a court to obtain Assisted Outpatient Treatment from purchasing or possessing any firearm weapon while subject to treatment (SB 755); 3) eliminate the requirement that a board of supervisors adopt a resolution to authorize Laura's Law (SB 664); and 4) extend the period of court-ordered involuntary treatment under Laura's Law from six months to 12 months (AB 1265), support for SB 585, SB 755, AB 1367, SB 664, and AB 1265 is a matter for Board policy determination.**

We will continue to keep you advised.

WTF:RA  
MR:PC:ma

c: Executive Office, Board of Supervisors  
County Counsel